

PROPOSED CONSTITUTIONAL AMENDMENTS

PROPOSED CONSTITUTIONAL AMENDMENTS—COUNTIES  
OF 30,000 OR MORE—JUSTICE OF THE PEACE  
AND CONSTABLE PRECINCTS

H. J. R. No. 91

A JOINT RESOLUTION

proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article V, Section 18, of the Texas Constitution be amended to read as follows:

Sec. 18. (a) Each [organized] county in the State with a population of 30,000 or more, according to the most recent federal census, [new-or-hereafter-existing;-shall-be-divided] from time to time, for the convenience of the people, shall be divided into [precincts;] not less than four and not more than eight precincts. Each county in the State with a population of 18,000 or more but less than 30,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than two and not more than five precincts. Each county in the State with a population of less than 18,000, according to the most recent federal census, from time to time, for the convenience of the people, shall be designated as a single precinct or, if the Commissioners Court determines that the county needs more than one precinct, shall be divided into not more than four precincts. The division or designation [Divisions] shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified;

Additions in text indicated by underline; deletions by ~~strikeouts~~



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provided that in any precinct in which there may be a city of 10,000 ~~(8,000)~~ or more inhabitants, there shall be elected two Justices of the Peace.

(b) Each county shall, in the [like] manner provided for justice of the peace and constable precincts, be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

(c) When the boundaries of justice of the peace and constable precincts are changed, each Justice and Constable in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve in the precinct in which the person resides for the term to which each was elected or appointed, even though the change in boundaries places the person's residence outside the precinct for which he was elected or appointed, abolishes the precinct for which he was elected or appointed, or temporarily results in extra Justices or Constables serving in a precinct. When, as a result of a change of precinct boundaries, a vacancy occurs in the office of Justice of the Peace or Constable, the Commissioners Court shall fill the vacancy by appointment until the next general election.

(d) When the boundaries of commissioners precincts are changed, each commissioner in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve in the precinct to which each was elected or appointed for the entire term to which each was

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elected or appointed, even though the change in boundaries places the person's residence outside the precinct for which he was elected or appointed.

SECTION 2. That the following temporary provision be added to the Texas Constitution:

TEMPORARY PROVISION. (a) The amendment of Article V, Section 18, of the Texas Constitution proposed by the 68th Legislature, Regular Session, authorizing fewer justice of the peace and constable precincts in certain counties, takes effect January 1, 1984.

(b) A county that has a population of less than 30,000, according to the 1980 federal census, and that has more than four justice of the peace and constable precincts on January 1, 1984, may keep that number of precincts until January 1, 1987. On and after January 1, 1987, the county must have a number of justice of the peace and constable precincts authorized by Article V, Section 18, of the Texas Constitution.

(c) This provision expires January 2, 1987.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing fewer justice of the peace and constable precincts in counties with a population of less than 30,000 and providing for continuous service by justices of the peace, constables, and county commissioners when precinct boundaries are changed."

Passed by the House on May 3, 1983: Yeas 134, Nays 5, 1 present, not voting; passed by the Senate on May 19, 1983: Yeas 31, Nays 0.

Filed without signature.

Filed with the Secretary of State, May 24, 1983.

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